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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1794 OF 2006

Shriram Gangaram Jaiswal ... Petitioner

V/s

Municipal Corporation of
Greater Mumbai & ors. ... Respondents

Mr. J.G. Damani for the petitioner.

Mrs. P.A. Purandare for the respondent Nos. 1 to 3.

CORAM: R.M. LODHA &
SMT. NISHITA MHATRE, JJ.

DATED: 9TH JANUARY, 2007.

P.C.:

Heard.

2. Writ petition is wholly misconceived and frivolous. The petitioner filed a suit being L.C. Suit No. 6112 of 2002. In that suit, the notice of motion was taken wherein the order came to be passed that the Corporation would take action against the petitioner after following due process of law. We are informed that the said suit has been withdrawn and it is alleged that the Corporation without following due process of law is

seeking to interfere with the lawful business being carried on by the petitioner in the subject premises. Nothing has been produced on record which may prima facie convince us that any action has been taken by the respondents without following due process of law. As a matter of facts, the writ petition raises diverse questions of fact which cannot be considered adequately in extraordinary jurisdiction. Writ petition is dismissed in limine.

(R.M. LODHA, J.)

(SMT. NISHITA MHATRE, J.)